

TITLE 10.—ARMED FORCES

Subtitle A.—General Military Law

PART II.—PERSONNEL

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AMENDMENTS

1968—Pub. L. 90-377, § 2, July 5, 1968, 82 Stat. 288, added chapter 48.

1967—Pub. L. 90-83, § 3(2), Sept. 11, 1967, 81 Stat. 220, struck out chapter 80, covering Exemplary Rehabilitation Certificates.

1966—Pub. L. 89-690, § 2, Oct. 15, 1966, 80 Stat. 1017, added chapter 80.

Chapter 1.—DEFINITIONS

§ 101. Definitions.

In addition to the definitions in sections 1—5 of title 1, the following definitions apply in this title:

(8) "Secretary concerned" means—

(D) the Secretary of Transportation, with respect to matters concerning the Coast Guard when it is not operating as a service in the Navy.

(36) "Dependent", with respect to a female member of an armed force, does not include her husband, unless he is in fact dependent on her for his chief support, or her child, unless his father is dead or he is in fact dependent on her for his chief support.

(As amended Jan. 2, 1968, Pub. L. 90-235, § 7(a) (1), 81 Stat. 762; Oct. 22, 1968, Pub. L. 90-623, § 2(1), 82 Stat. 1314.)

AMENDMENTS

1968—Pub. L. 90-623 substituted "Secretary of Transportation" for "Secretary of the Treasury" in cl. (8) (D). Pub. L. 90-235 added cl. (36).

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 14 section 438; title 39 section 4169.

Chapter 3.—GENERAL POWERS

§ 123. Suspension of certain provisions of law relating to reserve commissioned officers.

(a) In time of war, or of national emergency declared by Congress, the President may suspend the operation of any provision of the following sections of this title with respect to any armed force: 281, 592, 1002, 1005, 1006, 1007, 1374, 3217, 3218, 3219, 3220, 33552(a) (last sentence), 3353, 3354, 3359, 3360, 3362,

3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3375, 3378, 3380, 3382, 3383, 3384, 3385, 3386, 3388, 3389, 3390, 3392, 3393, 3494, 3571, 3819, 3820(c), 3843, 3844, 3845, 3846, 3847, 3848, 3850, 3851, 3852, 3853, 3854, 3855, 5414, 5457, 5458, 5506, 5600, 5665, 5867, 5891, 5892, 5893, 5894, 5895, 5896, 5897, 5898, 5899, 5900, 5901, 5902, 5903, 5904, 5905, 5906, 5908, 5909, 5910, 5911, 6391, 6397, 6398, 6403, 6410, 8217, 8218, 8219, 8353, 8354, 8358, 8359, 8360, 8361, 8362, 8363, 8365, 8366, 8367, 8368, 8370, 8371, 8372, 8373, 8374, 8375, 8376, 8377, 8378, 8379, 8380, 8381, 8392, 8393, 8494, 8571, 8819, 8843, 8844, 8845, 8846, 8847, 8848, 8850, 8851, 8852, 8853, and 8855.

(As amended Pub. L. 89-718, § 1, Nov. 2, 1966, 80 Stat. 1115; Pub. L. 90-130, § 1(1), Nov. 8, 1967, 81 Stat. 374.)

AMENDMENTS

1967—Subsec. (a). Pub. L. 90-130 eliminated reference to section 3391.

1966—Subsec. (a). Pub. L. 89-718 struck out reference to section 5907 of this title.

SAVINGS PROVISIONS; SUPERSESSION OF INCONSISTENT LAWS; REFERENCES TO AND ACTIONS UNDER PROVISIONS RESTATED BY PUB. L. 89-718

Section 74 of Pub. L. 89-718 provided that:

"(a) Laws becoming effective after June 1, 1965, that are inconsistent with this Act shall be considered as superseding it to the extent of the inconsistency.

"(b) References made by other laws, regulations, and orders to the laws restated by this Act shall be considered to be made to the corresponding provisions of this Act.

"(c) Actions taken under the laws restated by this Act shall be considered to have been taken under the corresponding provisions of this Act."

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of Defense, see section 1(11) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

§ 125. Functions, powers, and duties: transfer, reassignment, consolidation, or abolition.

(c) Notwithstanding subsection (a), the Secretary of Defense may assign or reassign the development and operational use of new weapons or weapons systems to one or more of the military departments or one or more of the armed forces. However, notwithstanding any other provision of this title or any other law, the Secretary of Defense shall not direct or approve a plan to initiate or effect a substantial reduction or elimination of a major weapons system until the Secretary of Defense has reported all the pertinent details of the proposed action to the Congress of the United States while the Congress is in session.

(As amended Pub. L. 89-501, title IV, § 401, July 13, 1966, 80 Stat. 278.)